

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LILLIAN J. TOCCO,

Plaintiff ,

-vs-

Case No. 05-73963
Hon. AVERN COHN

ARGENT MORTGAGE COMPANY, LLC, a
Delaware Corporation, AMC MORTGAGE
SERVICES f/k/a AMERIQUEST MORTGAGE
COMPANY, a Delaware Corporation, and
RYAN PHILLIPS, Jointly and Severally,

Defendants.

ORDER DENYING DEFENDANTS' MOTION IN LIMINE
TO EXCLUDE EVIDENCE THAT PLAINTIFF DID NOT TIMELY
RECEIVE DISCLOSURES FROM ARGENT MORTGAGE
COMPANY PURSUANT TO THE TRUTH IN LENDING ACT

Defendants have filed a motion to exclude evidence that plaintiff did not timely receive the disclosures by the Truth In Lending Act. Plaintiff has responded. Whether or not plaintiff received the disclosures in a timely fashion is in dispute. The issue must be resolved by the jury. The fact that plaintiff may not have been inconsistent on this issue goes to her credibility and can not be decided on motion.

The motion is DENIED.

SO ORDERED.

Dated: May 24, 2007

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 24, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160